#### **REMARKS**

Reconsideration of this application is requested. The specification has been amended to correct the definition of  $R^4$  on page 2 of the application. As explained in the Amendment filed on May 1,  $R^4$  previously was defined as  $-R^5(O)_n(C_6H_5)R^6$ ; however, this definition included 7 substituents on the phenyl group.  $R^4$  is now defined as  $-R^5(O)_n(C_6H_4)R^6$ , which corresponds to 6 substituents on the phenyl group. Support for this amendment is found, for example, at page 4, lines 10-11, which discloses examples of  $R^4$  groups having 6 substituents on the phenyl group. Page 11 of the specification has been amended to correct a typographical error.

Claims 1, 43 and 51 have been amended to recite a personal care product comprising a particular preservative system. Claim 1 has also been amended to remove reference to an aromatic carboxylic acid or a salt thereof, and to correct the spelling of the word "anion". Claims 2-5, 11-22, and 31-38 have been amended to properly depend from claim 1, i.e., to recite a "personal care product" in the preamble rather than a "composition". Claims 24-29 and 39-42 have been amended to properly depend from newly added claim 82. Support for these amendments can be found, for example, on page 3, lines 15-21, of the present application. Claim 47 has been amended to remove a period erroneously appearing in the middle of the claim, and for reasons unrelated to patentability. Claims 52-82 have been added, support for which can be found, for example, on page 3, lines 15-21 and page 12, lines 1-4. Claims 6-10, 23, 30, and 44-45 have been canceled without prejudice or disclaimer. Accordingly claims 1-5, 11-22, 24-29, 31-43, and 46-82 are pending and at issue.

# Acknowledgement of Allowable Subject Matter

In the August 8, 2003 Office Action, the Examiner objected to claims 47-50 and stated that these claims would be allowable if rewritten in independent form. Claim 47-50, however, were previously rewritten in independent form by the May 1, 2003 Amendment. Accordingly, applicant respectfully requests that claims 47-50 be allowed.

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## Rejection of claim 6 under 35 U.S.C. § 112, 2nd Paragraph

Claim 6 stands rejected under 35 U.S.C. § 112, second paragraph, for lack of antecedent basis for R<sup>4</sup> being benzyl. Claim 6 has been canceled, thus rendering this rejection moot.

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### Rejections Under 35 U.S.C. § 102 (b)

Claims 1-5, 11, 12, 24-27, 33, 34, 44, and 51 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Wan (J. of Pharmaceutical Science, 1968, 57:11, pp. 1903-1906). Wan discloses viscosity test results for solutions. Claims 1-5, 11, 12, 24-27, 33, 34, and 51 have been amended to recite a personal care product. The present application states that personal care products include shampoos, conditioners, creams, lotions, cosmetics, and soaps (Specification, page 3, line 21). Wan does not disclose or suggest a personal care product. Accordingly, it does not anticipate claims 1-5, 11, 12, 24-27, 33, 34, and 51.

Claims 1-5, 11, 12, 24-27, 33, 34, 44, 45, and 51 stand rejected under 35 U.S.C. § 102(b) as being anticipated by "Adachi" (JP 10087496). According to the English abstract, Adachi discloses an aqueous solution containing salicylic acid with benzethonium chloride. Claims 1-5, 11, 12, 24-27, 33, 34, and 51 have been amended to recite a personal care product which includes a ketone acid or salt thereof. Adachi does not disclose or suggest a personal care product which includes a ketone acid or salt thereof. Therefore, Adachi does not anticipate claims 1-5, 11, 12, 24-27, 33, 34, and 51.

## Rejections under 35 U.S.C. §103(a)

Claims 14, 18, 22, 31, 32, 35-43, and 46 stand rejected under 35 U.S.C. § 103(a) as being obvious over Adachi in view of Biedermann (U.S. Pat. No. 6,150,403).

Neither Adachi nor Biedermann disclose the presently claimed preservative system. Furthermore, neither Adachi nor Biedermann disclose or suggest the synergistic antimicrobial efficacy of the presently claimed preservative system. In the present application, it is shown that

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preservative mixtures containing, for example, 0.25% sodium dehydroacetate monohydrate (a ketone acid salt) and 0.50% benzethonium chloride achieve a much greater reduction in *S. aureus*, *P. aeruginosa*, and *E. coli*, as compared to 0.5% sodium dehydroacetate monohydrate (a ketone acid salt) or 1.0% benzethonium 1622 alone (see Example 1). Synergism values for a 0.25% sodium dehydroacetate monohydrate (a ketone acid salt) and 0.50% benzethonium chloride, calculated based on the method described by C.E. Kull et al., demonstrates that these two components are synergistic when used in a mixture, as opposed to merely being additive (see page 13, lines 10-26 and Table 2). In other words, the ketone acid salt and quaternary ammonium biocide achieve better results when used together, than the collective contribution of the individual components when used separately. This unexpected effect is not disclosed in either Adachi or Biedermann, and thus these references do not render the present claims obvious.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

By

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Respectfully submitted,

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